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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

December 16, 1998

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

Re: In the Matter of Truth-in-Billing and Billing Format, CC Docket No. 98-170

Dear Ms. Salas:

Enclosed herewith for filing are the original and four (4) copies of MCI WorldCom's Reply Comments regarding the above-captioned matter.

Please acknowledge receipt by affixing an appropriate notation on the copy of the MCI WorldCom Reply Comments furnished for such purpose and remit same to the bearer.

Sincerely yours,



Don Sussman

Enclosure
DHS

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List ABCDE

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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DEC 16 1998

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of:

**Truth-in-Billing
and
Billing Format**

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CC Docket No. 98-170

MCI WORLDCOM, INC. REPLY COMMENTS

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December 16, 1998

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Summary

On November 13, 1998, approximately 100 parties filed comments in response to the Commission's Notice. Nearly all parties shared in the Commission's concern that consumers should receive clear and easily understandable telephone bills. The overwhelming majority of parties that submitted comments in the above-captioned proceeding believe that the most effective way to achieve the Commission's goal of ensuring that consumers are informed and protected is a competitive market with real and effective carrier choices.

Most parties also agree that, if the Commission believes that regulatory intervention is required, then guidelines rather than regulations should be developed. As MCI WorldCom demonstrated in its initial comments, such guidelines would allow the Commission to initiate enforcement activity, and would provide policy guidance to the Commission in adjudicating customer complaints. Guidelines also rest on firm legal ground as the Commission prepares to regulate in an area that has not previously been subject to Commission regulation. Moreover, guidelines would help ensure that customers receive clear and understandable bills without imposing costs on carriers that ultimately would be borne by end users through higher rates.

MCI WorldCom, Inc.
December 16, 1998

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of:

**Truth-in-Billing
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CC Docket No. 98-170

MCI WORLDCOM, INC. REPLY COMMENTS

I. Introduction

On September 17, 1998, the Commission issued its Notice of Proposed Rulemaking seeking comment on whether and how to regulate carrier billing to enable consumers to reap the benefits of the competitive telecommunications marketplace, while at the same time protecting consumers from unscrupulous competitors.¹ On November 13, 1998, approximately 100 parties filed comments in response to the Commission's Notice. Nearly all parties shared in the Commission's concern that consumers should receive clear and easily understandable telephone bills. The overwhelming majority of these parties -- representing carriers, regulators, and consumer advocates -- believe that the most effective means to achieve this goal is a competitive market with real and effective carrier choices, and that if the Commission is to act, then guidelines rather than regulations should be developed.

¹ In the Matter of Truth-in-Billing and Billing Format, CC Docket No. 98-170, Notice of Proposed Rulemaking, FCC 98-232, released September 17, 1998 (Notice).

Guidelines would allow the Commission to initiate enforcement activity, and would provide policy guidance to the Commission in adjudicating customer complaints. Guidelines also rest on firm legal ground as the Commission prepares to regulate in an area that has not previously been subject to Commission regulation. Moreover, guidelines would help ensure that customers receive clear and understandable bills without imposing costs on carriers that ultimately would be borne by end users through higher rates.

II. Regulation of Billing Practices Should Reflect Specifically Identified Problems

The Commission correctly notes that carriers have an obligation to provide their customers with the information they need to make informed choices.² Based on comments filed in this proceeding by carriers that compete in the long distance market, successful carriers recognize that the long distance marketplace requires carriers to upgrade their billing systems to provide clear and accurate billing, or lose customers to carriers that have already done so. No evidence has been provided on the record that shows that Commission regulation of long distance billing is necessary. As many carriers, associations and regulators point out, not only is Commission regulation over long distance billing unnecessary, but such regulation would impose

² This is why, as MCI WorldCom, Inc. (MCI WorldCom) explained in its comments, MCI WorldCom spends millions of dollars and thousands of person hours surveying customers, training customer service representatives and account teams, updating billing formats, and developing national marketing messages to ensure that customers know and understand what MCI WorldCom services, promotions, rates and charges are available, and to ensure that our customers can easily contact us with any questions and concerns.

additional costs on carriers that ultimately would be borne by end users through higher rates,³ and would risk conflicting with state jurisdiction⁴ and First Amendment Rights.⁵

Many parties to this proceeding, including MCI WorldCom, therefore advocate that the Commission, if it were to take action, should limit itself to establishing guidelines or principles which long distance carriers could draw from in developing their own billing practices.⁶ The New York State Consumer Protection Board correctly stated in its comments that:

The Commission's goals and its proposals to implement them would best be achieved in an industry increasingly deregulated if they were developed as comprehensive guidelines, rather than formal regulations.⁷

Guidelines, coupled with strong competitive forces in the long distance markets and the Commission's existing authority under 201(b) to protect customers from company-specific

³ E.g. see MCI Comments at 4, Sprint Comments at 2; Quest Comments at 2; 10-11; CompTel Comments at 3.

⁴ E.g., see MCI Comments at 29; Public Utilities Commission of Ohio Comments at 5, Ameritech Comments at 4; Bell Atlantic Comments at 3-4; Missouri Public Service Commission Comments at 2; Public Utilities Commission of Maine Comments at 2; Minnesota Office of Attorney General Comments at 3-6; PrimeCo Personal Communications Comments at 15.

⁵ E.g. see MCI Comments at 30; AirTouch Communications Comments at 8; ACTA Comments at 2.

⁶ E.g., see MCI WorldCom Comments at 4; Simplified Communications Worldwide Comments at 1; New York State Consumer Protection Board Comments at 3; State of New York Public Department of Public Service Comments at 1-2, Ameritech Comments at 5; ALTS at 7-10, ACTA Comments at 2; AT&T Comments at 3-4; Project Mutual Telephone Cooperative Association Comments at 2; Quest Comments at 2;

⁷ New York State Consumer Protection Board Comments at 3.

egregious behavior are the most efficient ways to ensure that customers receive clear and easily understandable bills.

MCI WorldCom is unique in that it always has had to compete for each of its customers. Moreover, it has over 30 years of experience and a customer base of more than 15 million. Consequently, if the Commission determines that it is in the public interest to establish billing practice guidelines that long distance carriers should follow, then it should draw on the presentation of the MCI WorldCom's direct remit bills. These guidelines can be summarized as follows:

Consumer Bills Should Be Clear and Easy to Understand

- The name of the carrier providing service should be clearly printed on the bill.
- Bills should be printed in a readable size and style;
- Regulated services (such as basic telephone service) should be separated and distinguished from non-regulated services (such as Internet service);
- Toll free customer service number(s) or, as appropriate, the online address (URL) for customer service of the carrier providing service should be provided and staffed to handle customer inquiries regarding billing issues.

Billing Practice and Procedures Should Promote Consumer Understanding

- Customers are entitled to be billed in accordance with legally tariffed rates, terms, and conditions;
- Customers are entitled to notice consistent with FCC regulations;
- Carriers providing billing services to other carriers should be required to permit appropriate notice, as requested by the service provider, of changes in rates, terms, conditions;

- Bills should be sent by customers within a reasonable period after a service has been rendered.

Additional Billing Requirements That Result from Future Enforcement Processes Should Promote Consumer Welfare

- Future requirements for additional billing detail should not result in customer confusion;
- Cost of complying with future enforcement decisions should not be unduly burdensome;
- Billing requirements that result from future enforcement processes should be applied in a competitively-neutral manner among carriers competing within a market (e.g., all IXC's) and in related markets (e.g., IXC's and ILEC's).

These guidelines would establish general principles that carriers should incorporate into their billing practices, and would preserve the flexibility carriers require to manage costs and to differentiate themselves from competitors.

The Commission's treatment of incumbent local exchange carrier (ILEC) billing on behalf of other carriers is a completely different matter, however. As CompTel, ACTA, the Coalition to Ensure Responsible Billing and MCI WorldCom pointed out, the Commission must recognize that the practice of ILEC-billing on behalf of long distance carriers is a pro-competitive practice that not only must continue, but currently deserves the immediate attention of the Commission.⁸ As these parties correctly point out, in order to preserve competition for long distance services and to encourage the development of competition in all

⁸ CompTel Comments at 1; ACTA Comments at 1; Coalition to Ensure Responsible Billing Comments at i.

telecommunications markets, the Commission must prescribe rules that clearly prevent ILECs from giving preferential treatment to ILEC-provided ancillary services on the bill while imposing discriminatory conditions on similar competitive services.⁹ Additionally, as MCI WorldCom pointed out in its comments, these rules must include language that clarifies that ILECs are required to bill for "casual services" on a nondiscriminatory basis. These rules are essential because competitive forces have not yet developed to provide billing alternatives for long distance companies, especially in cases where the interexchange carrier has no other business relationships with the end user (e.g., casual calling).

III. Standardized Bill Organization Requirements and Uniform "Safe Harbor" Language Are Neither Warranted Nor In the Public Interest

Based on MCI WorldCom's experience and research, our direct remit bills reflect what consumers demand in a bill.¹⁰ Moreover, we have examined the number and types of complaints and comments that we have received directly from customers and via the Commission through the informal complaints process, and based on that evidence, it is clear that Commission intervention into long distance carriers' billing practices is not warranted. As MCI WorldCom pointed out in our comments, customer confusion that exists is not reflective of MCI WorldCom's general billing structure and clarity. Existing customer confusion has generally

⁹ Coalition to Ensure Responsible Billing Comments at i.

¹⁰ See MCI WorldCom Comments at 7-14.

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been caused by our inability to communicate with our customers which results from ILEC billing contracts and/or delayed Commission actions.

MCI WorldCom and others noted in comments that not only would a uniform billing organization limit the way in which carriers compete, but it would also impose additional costs on carriers. MCI WorldCom had estimated that mandated organizational changes would cost carriers millions of dollars annually. GTE estimates that requiring it to add an additional page in its monthly wireless billing would alone cost it \$9.6 million annually.¹¹ Those additional costs would ultimately be borne by end users through higher rates.

Moreover, as is illustrated by research conducted by the Public Utility Commission of Texas and by Simplified Communications Worldwide, no one size fits all.¹² While one customer may want a bill organized one way, another may not. While one customer may want more information, another may find more information confusing. While one customer may find it easier to compare carriers' offerings through standardize information, labeling, and organization, another may prefer creativity and innovation.

MCI WorldCom agrees with the New York Department of Public Service's determination that:

rather than adopting prescriptive rules that could dampen market innovation,... the Commission should rely on market participants to develop billing formats that meet

¹¹ GTE Comments at 11.

¹² Texas Public Utility Commission at 3; Simplified Communications Worldwide Comments at 1-2.

consumers' information needs.¹³

The level of competition existing today in the long distance market means that carriers will lose customers if they do not respond to customer demands. This is true for billing organization too. No evidence exists that would suggest that the Commission or any other regulatory agency should dictate billing organization, labels, descriptions, or messages used by carriers to inform their customers. Competition is the answer.

IV. Mandated Customer Service Answer Times Are Not Necessary

The Florida Public Service Commission and the West Virginia Public Service Commission both suggest that regulations should dictate specific time frames in which customer service numbers must be answered. Such a regulation is neither required nor in the public interest.

MCI WorldCom's examination of comments received from its customers shows that the magnitude of this problem is extremely small and does not warrant Commission action. More importantly, just like any other facet of our services or billing, we recognize that if customers are not happy with customer service response times, then they can and most likely will select any other of the more than 600 long distance service providers. The Florida Public Service Commission's and the West Virginia Public Service Commission's suggestion to dictate customer service answering time is not supported by evidence that would warrant such dramatic regulatory

¹³ New York Department of Public Service at 1.

overkill. It also makes no note of the astronomical costs that a mandated answer time could impose on carriers, especially for start-ups that experience extraordinary growth in the size of their customer base. The suggestion to dictate customer service call answer times should be rejected.

V. Carriers Require the Flexibility to Recover Their Costs in Competitive Markets

The National Association of State Utility Consumer Advocates (NASUCA) suggests in its comments that the Commission should require carriers to disclose the actual average per line universal services and access charges on the same page as the customer's individual statement of universal service and access charges.¹⁴ The Education and Library Networks Coalition (EdLinc) takes this one step further -- it suggests that carriers should provide information on every bill that explains how each charge is calculated.¹⁵ Both of these suggestions should be dismissed as they are unworkable, impractical, and completely unnecessary.

First, in competitive markets, such as the long distance industry, carriers that do not explain changes in rate structures, the addition of new fees, and new promotion plans to their customers will not survive in the market place. Carriers that attempt to collect more than is required face losing their customers to alternative providers. Competitive carriers should be given the flexibility to recover their costs as permitted by the market.

¹⁴ NASUCA Comments at 4.

¹⁵ Education and Library Networks Coalition at 6.

Second, both proposals are impractical from an implementation perspective. NASUCA's proposal is impractical to implement because it is impossible to determine customer-specific access costs or reductions.¹⁶ Even if customer-specific access costs and reductions could be determined and presented in an easily understandable fashion, the requirement that long distance carriers geographically average rates would distort the customer-specific cost-rate comparison. EdLinc's proposal is impractical from a cost perspective as its implementation would drive billing costs through the roof. The amount of space required to explain the calculation of every charge would require carriers to send monthly bills the size of telephone books.

Finally, the Commission must recognize that most consumers do not desire the information that NASUCA and EdLinc propose to include on the monthly bills. Consumers do not know what access is, or what transport is. While regulators may need to examine closely the correlation between costs and rates for some services in markets where competition has not developed, consumers generally only want to know how much they are paying, for what they are paying, and how both compare with offerings of other carriers. The proposals of NASUCA and EdLinc would unnecessarily increase carriers' costs, and add to customer confusion. Their proposals should be dismissed.

However, if the Commission determines that long distance carriers must provide specific cost information or rate justification to customers, then the Commission should also require

¹⁶ For example, it would not be possible to allocate shared facilities, or the use of alternative carrier facilities (used as ILEC substitutes or for backbone redundancy) on a customer-specific basis.

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ILECs to inform their customers that 40 percent of every dollar paid for long distance service goes to the ILEC for originating and terminating calls.

VI. The Missouri Public Service Commission's Request to Make the Telephone Preference Service Mandatory Should Be Dismissed

In its comments, the Missouri Public Service Commission (MPSC) makes the irrelevant suggestion that, in order to reduce slamming, telecommunications service providers and telemarketing companies should be required to subscribe to the Telephone Preference Service listing of consumers who have indicated that they do not want to receive telemarketing calls and that solicitation calls to such consumers should be prohibited. Apparently, the MPSC is unaware that such a concern has already been addressed by the Telephone Consumer Protection Act of 1991 (TCPA) and implementing regulations, which prohibit solicitation calls or mailings by companies to consumers who request that such companies put them on "Do Not Call/Do Not Mail" suppression lists. MCI WorldCom adheres to those requirements and, in addition, follows the solicitation suppression requests received from the Telephone Preference and Mail Preference Services of the Direct Marketing Association.

MPSC's request to duplicate the TCPA by making the Telephone Preference Service mandatory would amount to regulatory overkill and is irrelevant to this proceeding, which addresses billing by carriers to their customers. Additionally, federal "do not call" proposals would be extremely costly to implement, require a massive new federal bureaucracy to manage, and would provide only a marginally small addition to the protections already in place under the

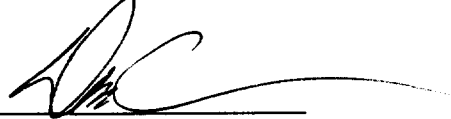
TCPA requirements. A law that would essentially "federalize" the Telephone Preference and Mail Preference Services would be an inefficient, blunderbuss approach to a problem that is already being addressed in a more focused, effective manner, not only by the TCPA but also by the Commission's increasingly stringent slamming regulations.

VII. Conclusion

The overwhelming majority of parties that submitted comments in the above-captioned proceeding believe that the most effective way to achieve the Commission's goal of ensuring that consumers are informed and protected is a competitive market with real and effective carrier choices. Most parties also agree that, if the Commission believes that regulatory intervention is required, then guidelines rather than regulations should be developed. As MCI WorldCom demonstrated in its initial comments, such guidelines would allow the Commission to initiate enforcement activity, and would provide policy guidance to the Commission in adjudicating

customer complaints. Guidelines also rest on firm legal ground as the Commission prepares to regulate in an area that has not previously been subject to Commission regulation. Moreover, guidelines would help ensure that customers receive clear and understandable bills without imposing costs on carriers that ultimately would be borne by end users through higher rates.

Respectfully submitted,
MCI WORLDCOM, Inc.


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December 16, 1998

STATEMENT OF VERIFICATION

I have read the foregoing and, to the best of my knowledge, information, and belief, there is good ground to support it, and it is not interposed for delay. I verify under penalty of perjury that the foregoing is true and correct. Executed on December 16, 1998.

A handwritten signature in black ink, appearing to be 'DC' with a long horizontal flourish extending to the right.

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CERTIFICATE OF SERVICE

I, Vivian Lee do hereby certify that copies of the foregoing In the Matter of Truth-in-Billing and Billing Format were sent via first class mail, postage paid, to the following on this 16th day of December, 1998.

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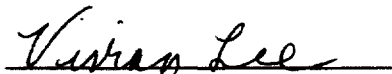
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